Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment of Acceptance of R.S. 2477
Right-of-Way Grant

DOC # 00354978

Affidavits B: 0603 P: 0100

Jayrene B Nielsen Sevier County Recorder Page 1 of 9
07/01/2008 11:33:03 AMFee \$0.00By GOVERNOR OF STATE 0

#### THE STATE OF UTAH

## TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

This Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment and the affidavits attached hereto as Exhibit A supplement and support the Amended Acknowledgment and Amended Notice of Acknowledgment, previously made under Utah Code Sections 72-5-309 through 310 inclusive, as it pertains to the highway located in Sevier County known as 1027d\_Poverty Flat/Bertleson Road; County Road Number: 6463; State Geographic Information Database (SGID) Road Identification Number: RD210075.

This document supplements and supports the information contained in the document first recorded at **Doc** # 00344669, Bk 0561, Beg Pg 0409, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on 2/13/2008 at **Doc** #00352484 Bk 0591, Beg Pg 0624. A legal description is attached hereto as Exhibit B.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 25th day of Jone, 2008.

By the Governor's Designee

John Harja

CERTIFICATION

State of Utah ) : ss County of Salt Lake )

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

NOTARY PUBLIC
PAMELA Z. BLACKHAM
5110 State Office Bidg
Salt Lake City, Utah 84114
COMMISSION EXPIRES
May 3, 2011
STATE OF UTAH

Dated this 25th day of fune, 2008.

Panele 3. Blackban

Notary Public

# Exhibit A

DOC # 00354978

Affidavits B: 0603 P: 0101

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### AFFIDAVIT OF SCOTT MORRISON POVERTY FLAT / BERTLESON ROAD SEVIER COUNTY, UTAH COUNTY ROAD NUMBER 6463

State of Utah	)
	: ss.
County of Sevier	)

SCOTT MORRISON being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Washburnville, Sevier County, Utah. I have lived in Sevier County since 1932.
- 2. I have traveled and am familiar with a road in Sevier County known as the Poverty Flat/Bertleson Road (County Road Number 6463). I am also familiar with the land the road traverses. When I first used and observed the road in 1940, it followed the same route as in 2006 when I last observed it. Attached is a Sevier County map showing the Poverty Flat/Bertleson Road (County Road Number). To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
- I am informed that the County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1940 and continuing through 1976 to 2006.

  During this time period I have observed travel on the road by various means, including four wheelers, motorcycles, automobiles, pickups, trucks, and sheep wagons. During this time period, the road has been used daily.
- During the time period from 1940 to 2006, I have used the road myself for the following uses: Recreation, hunting, mining, and prospecting.



- 6. During the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus the following uses: Oil and gas exploration, recreation, and travel.
- 7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1940 and continuing through 1976 to 2006, for the uses described in the previous paragraphs.
- 8. Prior to 1976, I observed graders performing maintenance/construction activities on the road.

DATED this // day of November, 2006.

Scatt B Maris
SCOTT MORRISON

SUBSCRIBED AND SWORN to before me this \_\_/5\square day of November, 2006.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

NOTARY PUBLIC

DOC # 00354978

Affidavits B: 0603 P: 0103

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0 0 Se Se M В 6463 - POVERTY FLAT ROAD - RED BLM Ownership - Yellow DOC # 00354978

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Class "B" Maintained Roads - Blue

SEVIER COUNTY RS2477 October 18, 2006

#### AFFIDAVIT OF STEPHEN WANLASS

#### POVERTY FLAT / BERTLESON ROAD

### SEVIER COUNTY, UTAH

## COUNTY ROAD NUMBER 6463, UNIQUE IDENTIFIER RS2477

State of Utah	)
	: ss
County of Sevier	)

STEPHEN WANLASS being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Monroe City, Sevier County, Utah. I have lived in Sevier County for 67 years.
- 2. I have traveled and am familiar with a road in Sevier County known as the Poverty Flat/Bertleson Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1955, it followed the same route as in 2006 when I last observed it. Attached is a Sevier County map showing the Poverty Flat/Bertleson Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
- I am informed that the County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1955 and continuing through 1976 to 2006.

  During this time period I have observed travel on the road by various means, including trucks, cars, ATV's, and pickup trucks. During this time period, the road has been used daily.
- 5. During the time period from 1955 to 2006, I have used the road myself for the following uses: Recreation and rabbit hunting.



- 6. During the time period described in the previous paragraphs, I observed vehicles using the road at various times for the uses described in the previous paragraphs, plus the following uses: Hauling rocks, livestock operations, oil and gas exploration, and prospecting for minerals.
- 7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900's and continuing through 1976 to 2006, for the uses described in the previous paragraphs.
- 8. Prior to 1976, I observed graders and backhoes performing maintenance/construction activities on the road. I also observed cattle guards, berms, and ATV signs.

DATED this <u>15</u> day of November, 2006.

Stephen Wantass

SUBSCRIBED AND SWORN to before me this 15th day of November, 2006.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

Wloria Schrader NOTARY PUBLIC

DOC # 00354978

Affidavits B: 0603 P: 0106

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0 0 Colon Colon الق B 6463 - POVERTY FLAT ROAD - RED Class "B" Maintained Roads - Blue OC # 00354978 fidavits B: 0603 P: 0107 grene B Nielsen Sevier County Recorder Page 8 of 9 701/2008 11:33:03 AMFee \$0.00By GOVERNOR OF STATE 0 BLM Ownership - Yellow ů  $\Box$ 

SEVIER COUNTY RS2477 October 18, 2006

#### Exhibit B

### Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: 1027d\_Poverty Flat/Bertleson Road

County: Sevier

County Road Number: 6463

State Geographic Information Database (SGID) Road Identification Number: RD210075.

Total Road Length: 5.94 miles more or less.

**Beginning at a point** on the road centerline located at 38 degrees 33 minutes 46.71 seconds North Latitude and -112 degrees 10 minutes 017.8 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,448,346.0 feet and Y = 6.646.036.6 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 38 degrees 37 minutes 48.25 seconds North Latitude and -112 degrees 10 minutes 00.67 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,449,888.7 feet and Y = 6,670,464.5 feet based on the US Survey Foot conversion.

#### This road may traverse:

Township 25 South Range 3 West, Section(s) 18,19,30, Salt Lake Base & Meridian Township 25 South Range 4 West, Section(s) 25,36, Salt Lake Base & Meridian Township 26 South Range 3 West, Section(s) 6, Salt Lake Base & Meridian Township 26 South Range 4 West, Section(s) 1, Salt Lake Base & Meridian

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